

### **REMARKS**

Applicant thanks the Examiner for his careful consideration of this application. Applicant also thanks the Examiner for his helpful telephone discussions with the undersigned. Applicants request reconsideration of this application in view of the following remarks.

Claims 1-15, corresponding to original Claims 3-17, are currently pending, with Claims 1 and 9 being independent. Claims 1-15 have been properly renumbered. Claims 18-20 (as originally numbered; 16-18 as renumbered) have been cancelled without prejudice.

At page 4 of the Office Action, Claims 18-20 are rejected under 35 U.S.C. 101 on the grounds that the claimed invention is directed to non-statutory subject matter. While not necessarily concurring in this, Applicant has elected to cancel these claims (renumbered 16-18).

At pages 2-4 of the Office Action, Claims 3-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiegandt et al., and Claims 7 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegandt et al. in view of U.S. Publication No. 2003-0103445 (Steer et al.). Applicants respectfully traverse these rejections for the following reason.

The Office Action refers to a reference to Wiegandt et al., and a Wiegandt et al. paper was cited on Form PTO-892, which accompanied the Office Action. However, upon review of the cited reference and the citations in the Office Action, it becomes apparent that the citations in the Office Action (for example, citations to Fig. 2(a) and (b) and to p. 661) do not correspond to the cited Wiegandt et al. reference (which only has pages 453-456, and which has no figures marked 2(a) and 2(b)). One must conclude, then, that either another reference to the same authors was intended and not cited/provided to Applicant (either in this application or in earlier applications from which this case draws priority) or that a different reference was intended altogether (and also not cited or provided to Applicant). In either case, as a result, these rejections are all improper and should be withdrawn.

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the

lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

### **CONCLUSION**

Applicant believes that the above amendments and remarks address all of the grounds for rejection and place the application in condition for allowance. Applicant, therefore, respectfully requests prompt and favorable consideration of this response and reconsideration of this application.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: October 15, 2007

Respectfully submitted,

Electronic signature: /Jeffrey W. Gluck/  
Jeffrey W. Gluck

Registration No.: 44,457  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 572-0322 (Direct Dial)  
(202) 293-6229 (Fax)

CB-569535